IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 4.9.2007

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THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition Nos.28354 to 28356 of 2007

K.Prakash .. Petitioner in W.P.No.28354 of 2007

N.Rajamanickam .. petitioner in W.P.No.28355 of 2007

K.C.Subramaniam .. petitioner in W.P.No.28356 of 2007

vs.

1. The District Collector,
   Erode District, Erode.

2. The Deputy Director,
   Geology and Mines
   Collectorate Campus,
   Erode.

3. The Commissioner and
   Director of Geology and
   Mining, Guindy, Chennai - 600 032 .. Respondents in all the writ petitions

(R.3 impleaded as per order of this Court dated 3.9.2007 in M.P.Nos.3&3&3 of 2007 in W.P.Nos.28354 to 28356 of 2007)

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W.P.No.28354 of 2007:

This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the District Collector, Erode District, Erode, namely, the first respondent herein, made in Na.Ka.No.1432/2006 X1, dated 1.6.2007, quash the same and to direct the respondents herein to permit the petitioner herein to run the rough stone quarry as per the terms of lease agreement to the fullest term of five years

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in S.No.84/3 part measuring an extent of 0.50.0 hectares in Agrahara Periyapalayam Village, Perundurai Taluk in Erode District, by issue of necessary transport permit, despatch list without their being any interruption in the performance of their quarrying operations.

W.P.No.28355 of 2007:

This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the District Collector, Erode District, Erode, namely, the first respondent herein, made in Na.Ka.No.1432/2006 X1, dated 1.6.2007, quash the same and to direct the respondents herein to permit the petitioner herein to run the rough stone quarry as per the terms of lease agreement to the fullest term of five years in S.No.84/2 part measuring an extent of 0.59.5 hectares in Agrahara Periyapalayam Village, Perundurai Taluk in Erode District, by issue of necessary transport permit, despatch slip without their being any interruption in the performance of their quarrying operations.

W.P.No.28356 of 2007:

This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the District Collector, Erode District, Erode, namely, the first respondent herein, made in Na.Ka.No.1432/2006 X1, dated 1.6.2007, quash the same and to direct the respondents herein to permit the petitioner herein to run the rough stone quarry as per the terms of lease agreement to the fullest term of five years in S.No.83 part and 84/1 part measuring an extent of 2.23.5 hectares in Agrahara Periyapalayam Village, Perundurai Taluk in Erode District, by issue of necessary transport permit, despatch slip without their being any interruption in the performance of their quarrying operations.

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For petitioners : Mr.K.Doraisamy Senior Counsel
for Mr.K.Rajkumar

For respondents : Mr.A.Arumugam
Additional Government Pleader

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C O M M O N O R D E R

Mr.A.Arumugam, the learned Additional Government Pleader takes notice for the respondents.

2. With the consent of the learned counsels appearing on either side, the writ petitions are taken up for final disposal.

3. Heard Mr.K.Doraisamy, learned Senior Counsel for the petitioners as well as Mr.A.Arumugam, learned Additional Government Pleader for the respondents.

4. It is stated by the petitioners that they had been granted lease to quarry rough stones in their ryotwari land as contemplated under Rule 19 of the Mines and Mineral Concession Rules, 1959, (hereinafter referred to as 'the Rules'). The lease periods for quarrying the rough stones were for a period of five years, as contemplated under Rule 8 of the said Rules. After necessary inspection and enquiry, the petitioners were given the lease for a period of five years from 20.2.2006 to 19.2.2011. The petitioners had also obtained necessary transport permits as well as despatch slips issued by the competent authority. While so, one Marappan of Tirupur had objected to the quarrying operations of the petitioners stating that he has a farm house within the prohibited distance.

5. It has been further submitted that based on the objections raised by Marappan, the District Collector, Erode, by his office proceedings Na.Ka.No.1432/2006/X1, dated 26.3.2007, had asked the petitioners as to why the quarry lease granted to them should not be cancelled. Even though the petitioners had submitted their explanations, the District Collector, Erode, by his office proceedings Na.Ka.No.1432/2006 X1, dated 1.6.2007, had cancelled the quarry lease granted in favour of the petitioners, without properly considering the explanation submitted by them.

6. It has been further submitted that the orders passed by the District Collector, Erode, cancelling the lease granted to the petitioners are contrary to law and the principles of natural justice and it is therefore, illegal and invalid.

7. Challenging the said orders passed by the District Collector, Erode, the petitioners had filed appeals before the impleaded third respondent, namely, The Commissioner and Director of Geology and Mining, Guindy, Chennai, on 22.6.2007, under Rule 36 C(2) of The Tamil Nadu Minor Mineral Concession Rules, 1959.

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8. Mr.K.Doraisamy, learned Senior Counsel, appearing for the petitioners had submitted that the petitioners have suffered heavy monetary loss due to the cancellation of the lease and many families of labourers are suffering due to the stoppage of the quarrying operations.

9. The learned Senior counsel had laid stress on his request to permit the petitioners to carry on the quarrying operations during the pendency of the appeals before the third respondent.

10. Mr.A.Arumugam, the learned Additional Government Pleader, appearing for the respondents had submitted that such a relief cannot be granted as the lease granted to the petitioners had been cancelled.

11. Considering the rival contentions of the learned counsels appearing on behalf of the parties concerned, this Court is of the considered view that it would suffice if the third respondent is directed to dispose of the appeals filed by the petitioners within a specified time. Therefore, the third respondent is directed to dispose of the appeals filed by the petitioners, on 22.6.2007, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after giving sufficient opportunity to the parties concerned.

With the above directions, the writ petitions are disposed of. No costs. Consequently, connected M.P.Nos.2 of 2007 are closed.

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Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To:

1. The District Collector,
   Erode District, Erode.

2. The Deputy Director,
   Geology and Mines
   Collectorate Campus,
   Erode.

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3. The Commissioner and
   Director of Geology and
   Mining, Guindy, Chennai - 600 032

+ 3 ccs to Mr. K. Rajkumar, Advocate SR Nos. 54993, 54994, 54979

MA(CO)
SR/4.9.2007

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